

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37932 of 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of the respondent in issuing the impugned notice/proceedings vide Ref.No.SCN/304641167/16, dated 24.10.2016, as arbitrary and illegal and consequently, direct the respondent to renew the petitioner's passport vide No.5019218 for 10 years from 18.11.2016 (expiring date of existing passport after renewal) like as issued at the first instance.

2. Heard and perused the material available on record.
3. Facts of the case in brief are that initially the Delhi Regional Passport Office issued passport to the petitioner for 10 years w.e.f. 18.05.2005 to 17.05.2015 while the petitioner was working in Gorgaon, Haryana. Thereafter, the petitioner shifted to Hyderabad and made an application to the respondent prior to expiry of the said passport, but the respondent did not renew the same on the ground that a criminal case is pending against him for offence of Section 498-A IPC. Aggrieved by the action of the respondent, the petitioner filed W.P.No.33132 of 2015 before this Court and this Court vide order, dated 08.10.2015, disposed of the same with a direction to the respondent to consider the petitioner's application, dated 23.04.2015 and accordingly the respondents renewed the petitioner's passport for one year commencing from 19.11.2015 to 18.11.2016. Even before expiry of the said period, the respondent has issued the impugned notice/order.

4. Learned counsel for the petitioner submits that on an earlier occasion the respondent authority renewed the petitioner's passport while pendency of criminal case against him, but now the respondent authority refused to renew the petitioner's passport.

5. On the other hand, learned Standing Counsel for respondent submits that aggrieved by the order passed by respondent, the petitioner has to approach the appellate authority for appropriate remedy.

6. Considering the facts and circumstances of the case and rival submissions, this Court is of the view that rejection of passport of the petitioner for renewal is based on the queries raised in the letter, dated 24.10.2016. Therefore, the petitioner is directed to give detailed representation by enclosing the relevant documents to the authorities concerned and on such representation being made, the respondent herein shall consider the same and pass appropriate orders in accordance with law.

7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

NOVEMBER 04, 2016

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Date: 04.11.2016

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